

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

HIMELDA MENDEZ,

X

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #: 03/16/2020  
DATE FILED: 03/16/2020

: Plaintiff,

:

: 19 Civ. 11166 (LGS)

-against-

:

ORDER

BG RETAIL, LLC,

: Defendant.

X

LORNA G. SCHOFIELD, District Judge:

WHEREAS, an initial pretrial conference is scheduled for March 19, 2020;

WHEREAS, on March 13, 2020, Defendant filed a letter motion for conference in connection with Defendant's anticipated motion to dismiss the Complaint and its motion to stay the action. (Dkt. No. 16). In the letter, Defendant asserts that,

In settling another action pending in the Central District of California, Defendant has already entered into a settlement agreement with a third party [] that provides for injunctive relief regarding the manufacture and distribution of gift cards containing Braille, the same relief Plaintiff ostensibly seeks here. The parties in the California action have stipulated that the Court should retain jurisdiction to enforce the settlement. As a result, any determination regarding Defendant's ADA compliance must be made after it has performed (or failed to timely perform) its agreement to create and distribute Braille gift cards. As such, a stay of the present matter is appropriate. Moreover, Defendant cannot and should not be made to answer to two different federal courts with respect to its obligations (if any) to provide Braille gift cards.

(Dkt. No. 16 at 3) (citation omitted). It is hereby

**ORDERED** that, by **March 18, 2020**, Defendant shall file on ECF the settlement agreement referred to in its pre-motion letter. It is further

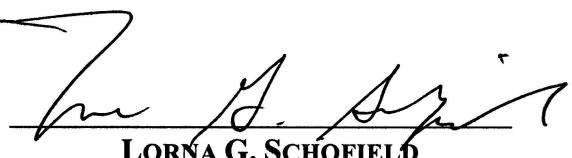
**ORDERED** that, by **March 20, 2020**, Plaintiff shall file a letter response to Defendant's pre-motion letter, including both any arguments in opposition to Defendant's proposed motion to dismiss, and any arguments in opposition to the proposed stay. It is further

**ORDERED** that the initial pretrial conference, scheduled for March 19, 2020, is ADJOURNED to **April 2, 2020, at 2:15 p.m.** The conference will be telephonic. The time of

the conference is approximate, but the parties shall be ready to proceed by that time. The Court will call the parties once the conference is ready to begin. It is further

**ORDERED** that, by **March 26, 2020**, the parties shall file a joint letter, providing the court with one telephone call-in number for a conference call, and if necessary a passcode. The parties shall ensure they are all dialed into the conference call by the appointed conference time. If the parties are not able to arrange a conference call, they shall contact the Courtroom Deputy, Mr. James Street, at 212-805-4553, as soon as possible and no later than **March 26, 2020, at noon**, to make other arrangements.

Dated: March 16, 2020  
New York, New York



LORNA G. SCHOFIELD

UNITED STATES DISTRICT JUDGE